

Norfolk

Division

## Commonwealth of Massachusetts

The Trial Court

Probate and Family Court Department

Docket No. \_\_\_\_\_

In the Estate of Mary T. D'AndreaInformation and Rights of Interested Parties  
(G.L. c.215 § 30B)

1. A petition has been presented to the Court by Vincent D'Andrea  
(Name of Petitioner)  
 of 32 Tamburlane Ridge S. Weymouth 02190  
(Street) (City/Town) (zip)

to be appointed Executor of the estate of Mary T. D'Andrea

2. This information is being sent to you as a party who is believed to have a legal interest in this case in order to inform you of your rights.

3. The papers related to this case are on file at the Norfolk Probate and  
(Division)  
 Family Court located at 35 Shawmut Rd. Canton 781 830-1200  
(Street) (City) (Phone No.)

4. The petitioner may ask you to assent to his/her appointment or to actions taken by him/her after his/her appointment. Your assent allows the Court to act on a matter without further notice to you or a hearing. Before you assent, you should carefully read the information in this form, and you may want to seek the advice of a lawyer. After you assent, you cannot ask the Court to reconsider except for fraud or manifest error.
5. An individual or corporation (corporate fiduciary) appointed as an executor, administrator, guardian, conservator or trustee is often called a **fiduciary** because they act in a position of trust and are responsible for their actions in administering the estate. The fiduciary must accept the appointment and agree to perform the duties of the position by filing a bond. The bond must have sufficient sureties in an amount approved by a judge to provide guarantees that the fiduciary will discharge his/her duties under the law. An individual fiduciary can be exempt from providing sureties if the requirement is waived by the deceased person in his/her will. Corporate fiduciaries are exempt from giving sureties on their bond by statute. In addition, the heirs of the estate, and other interested persons, other than creditors, may assent to the bond being without sureties. No provision for waiving sureties on the bond is provided in a guardianship of the estate or conservatorship. Interested persons may request a judge to require sureties on the bond at any time. An action on the bond may be brought by an interested person, if a fiduciary has failed to perform the duties of the position.
6. A fiduciary is required, within three months of appointment, to file an inventory of the real and personal property which has come into the fiduciary's possession or knowledge. If no inventory is filed, an interested person may petition the Court to order the fiduciary to file an inventory.

(OVER)

7. A fiduciary appointed by the Court is required, as a condition of the bond, to file an account at least once per year. The account should contain the amount of property from the inventory and property received after the inventory was filed, income received, debts paid, distributions made, fees paid to the fiduciary or others, and the money or property remaining in the estate. A fiduciary may ask you to assent to his/her account. An assent signed by you means that you agree with all items reported by the fiduciary in the account. Before you assent you should read the account carefully, have all your questions answered and be satisfied that the account is accurate. If a fiduciary fails to file an account when it is due, an interested person may petition the Court to order the fiduciary to file an account. You may have to contact the Court to find out if an account has been filed. If a fiduciary files an account and asks the Court to approve it, a notice of the request is required to be sent to persons who have a legal interest in the estate. After notice has been received that the fiduciary intends to ask the Court to approve the account, it is the responsibility of the interested parties to examine the account and to object to any items which they regard as inappropriate. If you wish to object to the allowance of the account, you must file a written appearance with the Court on or before the date in the notice (the return day). Specific objections must be filed within thirty (30) days of the return date. If no objections are made, the Court may allow the account without further notice or hearing.

## FIDUCIARY'S RETURN OF SERVICE

I hereby certify, under the penalties of perjury, that I have given a copy of the Information and Rights of Interested Parties to the interested parties in this matter.

	Name	Method of Notice Mail/in Hand/Other (specify)
1.	Robert D'Andrea	Mail
2.	Maria D'Andrea	Mail
3.		
4.		
5.		
6.		

Date: 7/12/06

Signature Robert L. Heller  
(Person Seeking Appointment)

Name Vincent D'Andrea  
(Please Print)

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court Department

NORFOLK Division

Docket No. 06P0003EP

In the Estate of MARY T. D'ANDREA

Late of WEYMOUTH  
In the County of NORFOLK  
Date of Death October 10, 2005

**NOTICE OF PETITION FOR PROBATE OF WILL**

To all persons interested in the above captioned estate, a petition has been presented praying that a document purporting to be the last will of said decedent be proved and allowed, and that VINCENT D'ANDREA of S WEYMOUTH in the County of NORFOLK or some other suitable person be appointed executor, named in the will to serve without surety.

IF YOU DESIRE TO OBJECT THERETO, YOU OR YOUR ATTORNEY MUST FILE A WRITTEN APPEARANCE IN SAID COURT AT CANTON ON OR BEFORE TEN O'CLOCK IN THE FORENOON (10:00 AM) ON **FEBRUARY 15, 2006**.

In addition, you must file a written affidavit of objections to the petition, stating specific facts and grounds upon which the objection is based, within thirty (30) days after the return day (or such other time as the court, on motion with notice to the petitioner, may allow) in accordance with Probate Rule 16.

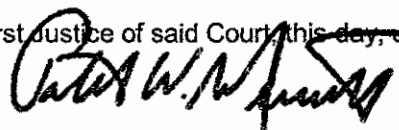
WITNESS, HON. DAVID H. KOPELMAN, ESQUIRE, First Justice of said Court at CANTON this day, January 6, 2006.

  
Register of Probate

**ORDER OF NOTICE**

It is ordered that notice of said proceeding be given by delivering or by mailing by registered or certified mail or by mailing postpaid a copy of the foregoing citation to all persons interested fourteen days at least before said return date, and by publishing a copy thereof in WEYMOUTH NEWS, a newspaper published in WEYMOUTH: publication to be seven (7) days at least before said return day. It is further ordered that notice thereof be given by delivering or mailing by registered or certified mail a copy thereof to the United States Department of Veterans' Affairs and the Attorney General, if interested, fourteen days at least before said return day.

WITNESS, HON. DAVID H. KOPELMAN, ESQUIRE, First Justice of said Court, this day, January 6, 2006.

  
Register of Probate

**RETURN OF SERVICE**

I hereby certify under the penalties of perjury that:

I have complied with the order of notice by:

☐ serving in hand a copy of the citation as ordered.

☐ mailing - certified - registered - postpaid - a copy of the citation as ordered.

☐ causing the citation to be published in WEYMOUTH NEWS, a newspaper published in WEYMOUTH.

☐ all other interested persons have assented and received actual notice.

Publication was on \_\_\_\_\_ which was at least \_\_\_\_\_ days/month(s) before said return day.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_